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HOUSE BILL 395

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Donald L. Whitaker

AN ACT

**RELATING TO LICENSING; PROVIDING AN EXEMPTION FROM THE
COUNSELING AND THERAPY PRACTICE ACT FOR PEER COUNSELORS IN
CERTAIN CHEMICAL DEPENDENCY RECOVERY PROGRAMS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 61-9A-6 NMSA 1978 (being Laws 1993,
Chapter 49, Section 6, as amended) is amended to read:**

"61-9A-6. EXEMPTIONS. --

**A. Nothing in the Counseling and Therapy Practice
Act shall be construed to prevent:**

**(1) a person who is licensed, certified or
regulated under the laws of this state from engaging in
activities consistent with the standards and ethics of his
profession or practice; or**

(2) an alternative, metaphysical or holistic

1 practitioner from engaging in nonclinical activities consistent
2 with the standards and codes of ethics of that practice.

3 B. Specifically exempted from the Counseling and
4 Therapy Practice Act are:

5 (1) elementary and secondary school counselors
6 acting on behalf of their employer who are otherwise regulated;

7 (2) peer counselors of domestic violence or
8 independent-living peer counselors working under appropriate
9 supervision in a nonprofit corporation, association or similar
10 entity;

11 (3) duly ordained, commissioned or licensed
12 ministers of a church or lay pastoral-care assistants providing
13 pastoral services on behalf of a church;

14 (4) a person who is enrolled in an internship
15 or practicum under appropriate supervision and is in the
16 internship or practicum for the sole purpose of acquiring an
17 advanced degree in mental health counseling, marriage and
18 family therapy or art therapy or a degree in substance abuse
19 counseling; [~~and~~]

20 (5) practitioners of Native American healing
21 arts; and

22 (6) individuals who serve as peer counselors
23 for a twelve-step recovery program or a similar self-help
24 chemical dependency recovery program that:

25 (a) does not offer chemical dependency

underscored material = new
[bracketed material] = delete

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treatment;

(b) does not charge program

participants; and

(c) allows program participants to

maintain anonymity."

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2003.